

REMARKS

The Applicants request reconsideration of the rejection.

Claims 1-20 remain pending.

Claims 1, 3, 6-7, 10, 16 and 18 stand rejected under 35 U.S.C. §112, first paragraph, as failing recite a critical or essential limitation of the invention.

Specifically, the Examiner indicated that the claims should provide an indication as to the utility and final use of the calculated inclusion degree, referencing paragraph [0039] of the published specification and Figs. 5-7 and 10-11. Each of the independent claims has been amended to require a step or module for outputting the inclusion degree, which is believed to satisfy the Examiner's concern. In this regard, the Applicants emphasize that the invention, as disclosed and depicted in the drawings, requires displaying at least the calculated inclusion degree. The Applicants refer the Examiner, by way of example only, to paragraph [0065] of the published specification, which states: "While both the similarities and the inclusion degrees were displayed in the search results list display 500, it is also possible to output the inclusion degrees only." (emphasis added)

Dependent claims 2, 5, 8, 11, 17 and 20 have been amended to recite that the step or module that outputs the inclusion degree outputs the inclusion degree and the similarity with the similarity and the inclusion degree being associated with each other. Thus, it is clear that the independent claims are not limited by requiring that the similarity be outputted.

The present claims have also been amended to correct an editing error in the claims submitted with the Response to Notice of Non-Compliant Amendment filed August 30, 2006. Those claims were inadvertently submitted with language retained

that had been deleted in the Reply filed June 28, 2006. The Applicants' representative regrets the error and the inconvenience resulting from the error.


The Applicants believe that the application is now in condition for allowance, the Examiner having indicated on page 3 of the Office Action that the claims would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112. If any issues remain that would prevent the Examiner from allowing the application, the Applicants' representative requests a telephone call at the number below to clarify any such issues so as to avoid a final rejection.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 500.43154X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Daniel J. Stanger
Registration No. 32,846

DJS/sdb
(703) 684-1120